

Office of the Secretary
Federal Communications Commission
Room 222
1919 M Street N.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

RE: Comments for NOTICE OF PROPOSED RULEMAKING
adopted November 25, 1997 Docket No. 97-234

I have enclosed the original and nine copies of my comments
for the notice of proposed rulemaking Docket No. 97-234 .

Sincerely,

Jack L. Maciejewski January 22, 1998

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Comments for NOTICE OF PROPOSED RULEMAKING
adopted November 25, 1997 Docket No. 97-234

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FEDERAL BUREAU OF INVESTIGATION

With nearly 30 years of submitting Rulemaking Petitions for FM Channel Assignment and FM Applications, I submit the following comments as requested in paragraph 51 relating to alternatives to Part 1 NPRM.

I suggest a "ONE STEP" Rulemaking/Application process for all broadcast services with the following criteria:

1. Applicant would be resident(s) living in the county of the community of proposed license.
2. Non broadcast interest.
3. A three year hold of transfer placed on the license.
4. No LMA permitted during the first three years of license term.

The applicant resident(s) living in the county of the proposed community of license would encourage diversity in the media. It would allow for a more equal basis for minorities without requiring preference.

It is not in the public interest to open windows for competing applicants. If they(competing applicants) wanted the channel, they should have been the first to apply for it. All people have the same data available for the FM Channel Petition for Rulemaking. The Public Interest would be best served with a first come, first served basis.

With the proposed auction, licensed broadcast giants will financially preclude those interested in providing new service.

Jack L. Maciejewski

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It will close the door to nearly every minority. There would be no reason for further FM Channel Petitions if the end result is an automatic win by another operating broadcast conglomerate. That has already happened in west Michigan with Channel 223A assigned to community of Newaygo, Michigan. At least two of the applicants are broadcasters, one with facilities in the county of Newaygo, and one broadcaster with facilities in adjacent counties. I believe these events that have occurred in Newaygo, Michigan will prevent future development of small communities needing service. The applicant proposing any Rulemaking Petition for Channel Assignment will have to be more financially secure than the biggest broadcaster in the country. Thus, the auction is not is not in the Public Interest.

The three year hold on license transfer and no LMA for the first three years would give the community of license at least three years of truly local service. This would encourage those who want to serve a community and reduce future "pirate" broadcasting. Many communities could be served properly by a 0.1 kW maximum effective radiated power at 30 meters (100 feet) height above average terrain (similar to the "old Class D license"). I encourage the Commission to look progressively to allow small communities their truly local service.

Jack L. Maciejewski

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The auction may have appeared to be the proper way to resolve differences in applicants, however, the end result will be a handfull of broadcasters controlling the service to communities in this country. That does not foster competition which would result in better service to all people.

The "ONE STEP" process would eliminate both the comparative and auction methods in determing applicants and would best serve the public.

Respectfully submitted,

Jack L. Maciejewski *January 22, 1998*

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